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April 25, 2005

Clerk of the Court Chelan County Superior Court 350 Orondo, 5th Level Wenatchee, WA 98801

Re: Borders v. King County, et al.

Chelan County Superior Court Cause No. 05-2-00027-3

Dear Court Clerk:

I am e-filing the following documents:

- 1. Letter to Clerk of Chelan County Superior Court;
- 2. Reply in Support of Washington State Democratic Central Committee's Motion for Partial Summary Judgment on Petitioners' Belated Claim of Non-Citizen Voters;
- 3. (Proposed) Order Granting Washington State Democratic Central Committee's Motion for Partial Summary Judgment on Petitioners' Belated Claim of Non-Citizen Voters;
- 4. Certificate of Service.

April 25, 2005 Page 2

Thank you for your assistance in this matter.

Very truly yours,

William C. Rava

WCR:sw

[15934-0006/8L051150.121] 04/25/05

THE HONORABLE JOHN E. BRIDGES Noted for Hearing May 2, 2005 at 8:30 a.m.

SUPERIOR COURT OF THE STATE OF WASHINGTON FOR CHELAN COUNTY

Timothy Borders et al.,

Petitioners,

٧.

King County et al.,

Respondents,

and

Washington State Democratic Central Committee,

Intervenor-Respondent.

NO. 05-2-00027-3

REPLY IN SUPPORT OF
WASHINGTON STATE DEMOCRATIC
CENTRAL COMMITTEE'S MOTION
FOR PARTIAL SUMMARY
JUDGMENT ON PETITIONERS'
BELATED CLAIM OF NON-CITIZEN
VOTERS

Petitioners do not oppose Washington State Democratic Central Committee's Motion for Partial Summary Judgment on Petitioners' Belated Claim of Non-Citizen Voters.

Petitioners' Opp. at 2 ("Petitioners do not oppose excluding those two votes from the tally of illegal votes litigated in this contest action on the grounds that they were not previously challenged" under RCW 29A.68.020(5)). The Secretary of State also agrees that WSDCC's Motion should be granted. Secretary of State Resp. at 1 ("[U]nder the election contest statute as currently written, 'illegal votes' do not include votes cast by improperly registered

REPLY IN SUPPORT OF WSDCC'S MOTION FOR PARTIAL SUMMARY JUDGMENT - 1 [15934-0006/8L051150.213]

Perkins Cole LLP 1201 Third Avenue, Suite 4800 Seattle, Washington 98101-3099 Phone: (206) 359-8000 Fax: (206) 359-9000

non-citizens unless their registration was challenged before the election. . . [T]he

Democrats' motion concerning this interpretation of the election contest statute should be
granted.") (emphasis in original).

Given the lack of opposition, Intervenor-Respondent WSDCC respectfully requests that the Court grant the Motion summarily without oral argument.

DATED: April 25, 2005.

PERKINS COIE LLP

By ____/s/ Kevin J. Hamilton

Kevin J. Hamilton, WSBA # 15648 William C. Rava, WSBA # 29948 1201 Third Avenue, Suite 4800 Seattle, WA 98101-3099

Attorneys for Intervenor-Respondent Washington State Democratic Central Committee

SPEIDEL LAW FIRM

Russell J. Speidel, WSBA # 12838 7 North Wenatchee Avenue, Suite 600 Wenatchee, WA 98807

JENNY A. DURKAN

Jenny A. Durkan, WSBA # 15751 c/o Perkins Coie LLP 1201 Third Avenue, Suite 4800 Seattle, WA 98101-3099

REPLY IN SUPPORT OF WSDCC'S MOTION FOR PARTIAL SUMMARY JUDGMENT - 2

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[15934-0006/SL051150.213]

THE HONORABLE JOHN E. BRIDGES

SUPERIOR COURT FOR THE STATE OF WASHINGTON FOR CHELAN COUNTY

Timothy Borders et al.,

Petitioners,

V.

King County et al.,

Respondents,

and

Washington State Democratic Central Committee,

Intervenor-Respondent.

NO. 05-2-00027-3

[PROPOSED] ORDER GRANTING
WASHINGTON STATE DEMOCRATIC
CENTRAL COMMITTEE'S MOTION
FOR PARTIAL SUMMARY
JUDGMENT ON PETITIONERS'
BELATED CLAIM OF NON-CITIZEN
VOTERS

Perkins Coie LLP 1201 Third Avenue, Suite 4800 Seattle, Washington 98101-3099 Phone: (206) 359-8000 Fax: (206) 359-9000 THIS MATTER comes before the Court on Washington State Democratic Central Committee's Motion for Partial Summary Judgment on Petitioners' Belated Claim of Non-Citizen Voters. The Court has reviewed the following: (1) Washington State Democratic Central Committee's Motion for Partial Summary Judgment on Petitioners' Belated Claim of Non-Citizen Voters; (2) Declaration of William C. Rava in Support of Washington State Democratic Central Committee's Motion for Partial Summary Judgment on Petitioners' Belated Claim of Non-Citizen Voters; (3) Response to Washington State Democratic Central Committee's Motion for Partial Summary Judgment on Petitioners' "Belated" Claim of Non-Citizen Voters; (4) Declaration of Harry Korrell; (5) Secretary of State's Response on Whether "Non-Citizen" Votes That Were Not Challenged Before the Election Are "Illegal" Votes Under RCW 29A.68.020(5); (6) Reply in Support of Washington State Democratic Central Committee's Motion for Partial Summary Judgment on Petitioners' Belated Claim of Non-Citizen Voters. Being fully advised in the premises, now, therefore, it is hereby ORDERED that:

Washington State Democratic Central Committee's Motion for Partial Summary Judgment on Petitioners' Belated Claim of Non-Citizen Voters is hereby GRANTED because Petitioners failed to timely challenge the qualifications of these voters on or prior to the date of the 2004 general election as required by RCW 29A.68.020(5).

The Court hereby orders that Petitioners' claims regarding two illegal non-citizen voters are DISMISSED.

ΕN	TERED	this	day of	2005.
- American		CLLLO	HW 1 UL	***

Fax: (206) 359-9000

The Honorable John E. Bridges

Presented by:

/s/ William C. Rava

Kevin J. Hamilton, WSBA # 15648 William C. Rava, WSBA # 29948 PERKINS COIE LLP 1201 Third Avenue, Suite 4800 Seattle, WA 98101-3099

Attorneys for Intervenor-Respondent Washington State Democratic Central Committee

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THE HONORABLE JOHN E. BRIDGES

SUPERIOR COURT OF THE STATE OF WASHINGTON FOR CHELAN COUNTY

Timothy Borders et al.,

Petitioners,

NO. 05-2-00027**-**3

CERTIFICATE OF SERVICE

King County et al.,

V.

Respondents,

and

Washington State Democratic Central Committee,

Intervenor-Respondent.

The undersigned is a citizen of the United States and resident of the State of Washington, is over the age of eighteen and is not a party to the within action.

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Fax: (206) 359-9000

The following documents were caused to be served:

- 1. Letter to Clerk of Chelan County Superior Court;
- Reply in Support of Washington State Democratic Central Committee's
 Motion for Partial Summary Judgment on Petitioners' Belated Claim of Non-Citizen Voters;
- (Proposed) Order Granting Washington State Democratic Central
 Committee's Motion for Partial Summary Judgment on Petitioners' Belated
 Claim of Non-Citizen Voters;
- 4. Certificate of Service.

These documents were served in the manner described below.

Thomas F. Ahearne	X	E-Service Via E-Filing.com
Foster Pepper & Shefelman PLLC		Via Electronic Mail
1111 Third Avenue, Suite 3400		Via Overnight Mail
Seattle, WA 98101-3299		Via U.S. Mail, 1 st Class, Postage
Email: ahearne@foster.com		Prepaid
Attorneys for Respondent Secretary of State		Via Facsimile
Sam Reed		

1 2 3 4 5 6 7	Jeffrey T. Even, Assistant Attorney General P.O. Box 4100 Olympia, WA 98504-0100 Email: jeffe@atg.wa.gov Attorneys for Respondent Secretary of State Sam Reed	E-Service Via E-Filing.com Via Electronic Mail Via Overnight Mail Via U.S. Mail, 1 st Class, Postage Prepaid Via Facsimile
8 9 10 11 12 13 14 15 16 17 18	Harry J.F. Korrell Robert Maguire Davis Wright Tremaine LLP 2600 Century Square, 1501 Fourth Avenue Seattle, WA 98101 Email: robmaguire@dwt.com; harrykorrell@dwt.com Attorneys for Petitioners	E-Service Via E-Filing.com Via Electronic Mail Via Overnight Mail Via U.S. Mail, 1 st Class, Postage Prepaid Via Facsimile
19 20 21 22 23 24 25 26	Richard Shepard John S. Mills 818 S. Yakima Avenue, Suite 200 Tacoma, WA 98405 Email: richard@shepardlawoffice.com Attorneys for the Libertarian Party	E-Service Via E-Filing.com Via Electronic Mail Via Overnight Mail Via U.S. Mail, 1 st Class, Postage Prepaid Via Facsimile
27 28 29 30 31 32 33 34 35	Gary A. Reisen Chelan County Prosecutor's Office P.O. Box 2596 Wenatchee, WA 98807-2596 Email: Gary.Riesen@co.chelan.wa.us Attorneys for Respondent Chelan County and Chelan County Auditor	E-Service Via E-Filing.com Via Electronic Mail Via Overnight Mail Via U.S. Mail, 1 st Class, Postage Prepaid Via Facsimile
36 37 38 39 40 41 42 43 44 45	Timothy S. O'Neill, Klickitat County Prosecuting Attorney Shawn N. Anderson, Klickitat County Prosecuting Attorney 205 S. Columbus Avenue, MS-CH-18 Goldendale, WA 98620 Email: timo@co.klickitat.wa.us Attorneys for Respondent Klickitat County	E-Service Via E-Filing.com Via Electronic Mail Via Overnight Mail Via U.S. Mail, 1 st Class, Postage Prepaid Via Facsimile

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CERTIFICATE OF SERVICE - 3

46 47

1	Barnett N. Kalikow	X	E-Service Via E-Filing.com		
	Kalikow & Gusa, PLLC		Via Electronic Mail		
2 3	1405 Harrison Ave NW, Suite 207		Via Overnight Mail		
4	· · · · · · · · · · · · · · · · · · ·		Via U.S. Mail, 1 st Class, Postage		
5	Olympia, WA 98502	لسا	, ,		
6	Email: barnett.kalikow@gte.net	 -	Prepaid		
7	Attorneys for Respondent Klickitat County		Via Facsimile		
8	Auditor				
9					
10 11	L. Michael Golden, Senior Dep. Pros. Atty.	X	E-Service Via E-Filing.com		
12	Office of the Lewis County Prosecuting		Via Electronic Mail		
13	Attorney		Via Overnight Mail		
14	360 NW North Street		Via U.S. Mail, 1 st Class, Postage		
15	Chehalis, WA 98532-1900		Prepaid		
16	Email: <u>lmgolden@co.lewis.wa.us</u>		Via Facsimile		
17	Attorneys for Respondent Lewis County				
18	Auditor				
19					
20	Gordon Sivley	X	E-Service Via E-Filing.com		
21 22	Michael C. Held		Via Electronic Mail		
23	Snohomish County Prosecutors Office		Via Overnight Mail		
24	2918 Colby, MS 504		Via U.S. Mail, 1 st Class, Postage		
25	Everett, WA 98201		Prepaid Prepaid		
26	Email: (gsiyley@co.snohomish.wa.us;		Via Facsimile		
27	mheld@co.snohomish.wa.us)	ll	via racsimite		
28	Attorneys for Respondents Snohomish				
29	County and Snohomish County Auditors				
30	Country with Brottomist Country Humanors				
31 32					
33	I declare under penalty of perjury that	the fore	egoing is true and correct, and that this		
34	t downer arrang berrary or borlary river		-505 -5 -4 -4 -4 -4 -4 -4 -4 -4 -4 -4 -4 -4 -4		
35	certificate was executed in Seattle, Washington on April 25th, 2005.				
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38					
39			16. 111		

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